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INDIGENOUS ISSUES

Implementation of the programme of activities for the International Decade of the World's Indigenous People

Report of the High Commissioner for Human Rights

Introduction

1. Following a recommendation by the World Conference on Human Rights, the General Assembly, in its resolution 48/163 of 21 December 1993, proclaimed the International Decade of the World's Indigenous People (1995-2004). The goal of the Decade is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, culture, the environment, development, education and health. The theme of the Decade is "Indigenous people: partnership in action".

2. In its resolution 50/157, the General Assembly adopted the programme of activities for the Decade. One of the main objectives of the Decade is the adoption of the draft United Nations declaration on the rights of indigenous peoples and the further development of international standards as well as national legislation for the protection and promotion of the human rights of indigenous people. Another major objective of the Decade is to further the implementation of the recommendations pertaining to indigenous people of all high-level international conferences, including the World Conference on Human Rights, in particular its recommendation that consideration be given to the establishment of a permanent forum for indigenous people in the United Nations system. The General Assembly also recommended that the objectives of the Decade should be assessed by quantifiable outcomes that would improve the lives of indigenous people and that could be evaluated halfway through the Decade (1999) and at its end (2004).

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3. In its resolution 52/108, the General Assembly decided to designate the High Commissioner for Human Rights as Coordinator for the Decade. The High Commissioner was requested to submit, through the Secretary-General, an annual report to the General Assembly on the implementation of the programme of activities for the Decade. The High Commissioner, through the Secretary-General, submitted the latest annual report on the implementation of the programme of activities to the General Assembly at its fifty-fifth session. That report is contained in document A/56/206.

4. In its resolution 2001/59, the Commission on Human Rights requested the High Commissioner, in her capacity as Coordinator for the Decade, to submit an updated annual report reviewing activities within the United Nations system under the programme of activities for the Decade to the Commission on Human Rights at its fifty-eighth session under the agenda item entitled "Indigenous issues". The present report provides information made available since the submission of the report of the Secretary-General to the General Assembly.

I. INDIGENOUS FELLOWSHIP PROGRAMME

5. The 2001 Indigenous Fellowship Programme was implemented by the Office of the High Commissioner for Human Rights (OHCHR) in accordance with the adopted general programme outline. The programme lasted from 25 June to 23 November 2001. This year the programme was shortened from six to five months in order to allow a fifth fellow to attend the programme, within the same budget allocation.

6. As previous years, the programme consisted of an intensive course on human rights, visits to NGOs and training modules with several different United Nations agencies. This year the World Bank and UNAIDS gave briefings to the fellows for the first time. As part of the practical work experience in the United Nations system, the five fellows from Australia, Botswana, Ecuador, Namibia and Thailand assisted the secretariat of the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights. The five fellows also wrote a research paper about a topic of specific interest to them.

7. In cooperation with the University of Deusto in Bilbao, Spain, the Indigenous Fellowship Programme also provided training for five indigenous fellows from Latin America. The five fellows from Chile, Ecuador, Guatemala, Honduras and Peru spent three months at the University of Deusto where they received human rights training followed by five weeks of more practical experience at OHCHR.

II. WORKING GROUP ESTABLISHED IN ACCORDANCE WITH COMMISSION ON HUMAN RIGHTS RESOLUTION 1995/32

8. The seventh session of the working group of the Commission on Human Rights on the draft United Nations declaration on the rights of indigenous peoples will be held in Geneva from 28 January to 8 February 2002. The report of the working group will be issued as document E/CN.4/2002/98.

III. WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

9. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance focused on action-orientated and practical steps to eradicate racism, including measures of prevention, education, protection, and the provision of effective remedies. It provided a unique and important opportunity to create a new world vision for the fight against racism in the twenty-first century. OHCHR organized a number of indigenous parallel events which not only bespoke the multiple discrimination faced by indigenous peoples, but also searched for future actions of cooperation to combat discrimination. These included a meeting entitled "Indigenous Media Dialogue", a Round Table on Indigenous Issues, an event called "Voices of Indigenous Women", and the launch of the United Nations Guide for Indigenous Peoples.

Indigenous Media Dialogue

10. As a follow-up to the two media workshops held in Madrid and New York, and in particular to the recommendations arising from the New York workshop on indigenous media, "Promoting the rights of indigenous peoples through the media" (E/CN.4/Sub.2/AC.4/2001/3) held in December 2000, OHCHR organized an Indigenous Media Dialogue in Durban, during the World Conference.

11. The workshop had recommended that the Department of Public Information invite indigenous journalists and film-makers from the different regions to attend the World Conference and produce material for use in informing indigenous communities about the Conference and to raise awareness about indigenous issues worldwide. The indigenous journalists attending were from Algeria, Australia, Canada, Colombia, Kenya, Nepal, France (New Caledonia), the Philippines and the Russian Federation. In response to these recommendations the Indigenous Media Dialogue focused on the role of the media in combating discrimination against indigenous peoples and examined, in particular, strategies to strengthen indigenous media and to improve the coverage of indigenous issues by mainstream media.

12. The Indigenous Media Dialogue noted the importance of culturally appropriate education and training as one of the chief means of achieving those goals. It was stressed that the training of non-indigenous media should ideally be done by indigenous peoples themselves. Indigenous journalists also spoke of the need to increase career prospects and opportunities to ensure that career pathways were established for indigenous peoples working in the media industry. Indigenous media participants stated that more opportunities were needed at the editorial level.

Voices of Indigenous Women

13. Seven indigenous women representing different regions of the world gave presentations on various themes with a four-fold purpose: to describe manifestations of racism; to discuss its impact on indigenous women; to discuss remedies, as well as obstacles confronted in addressing the impact of racism; and to make recommendations to OHCHR.

14. The thematic areas presented included ethnic conflict, violence against women, human rights and self-determination, intellectual property, women and armed conflict, the right to development and culture. Recommendations arising from the event included a plea to bring indigenous communities out of invisibility and to extend knowledge about universal human rights to those most vulnerable. In response, OHCHR has organized a one-day consultation to be held on 2 February 2002, which is expected to lead to the organization of an international seminar.

Round Table on Indigenous Issues

15. The Round Table on Indigenous Issues allowed for a fruitful discussion of current issues and new developments, including the establishment of the Permanent Forum on Indigenous Issues and the appointment of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples.

IV. PERMANENT FORUM ON INDIGENOUS ISSUES

16. In its resolution 55/80 the General Assembly welcomed the decision of the Economic and Social Council, in its resolution 2000/22, to establish the Permanent Forum on Indigenous Issues as a subsidiary organ of the Council, thereby fulfilling an important objective of the Decade, and encouraged all parties concerned to engage in the necessary preparations for the establishment of the Forum. The Secretary-General requested OHCHR to serve as the lead agency for the implementation of resolution 2000/22, Permanent Forum on Indigenous Issues.

17. During 2001, OHCHR has been involved in consultations with Governments, indigenous peoples, non-governmental organizations and United Nations departments and organizations. It has been emphasized that the Permanent Forum is an innovatory body, characterized by indigenous participation in its membership and enjoying a comprehensive mandate. Discussions with organizations of the United Nations system have concluded that the Permanent Forum offers an opportunity for new forms of inter-agency cooperation. In particular, upon the proposal of the heads of United Nations organizations, an Inter-Agency Steering Committee for the Permanent Forum has been established to prepare for the first session. The first meeting of the Steering Committee will be held in January 2002.

V. TECHNICAL COOPERATION

18. OHCHR has intensified efforts to mainstream indigenous issues into human rights projects and programmes developed within the framework of its technical cooperation programme. One project in Mexico (August 2001) incorporated a focus on indigenous issues and it is foreseen that future projects will also do so in the future.

VI. WORKSHOP ON INDIGENOUS PEOPLES, PRIVATE SECTOR NATURAL RESOURCE, ENERGY AND MINING COMPANIES AND HUMAN RIGHTS

19. In its resolution 2000/15, the Sub-Commission on the Promotion and Protection of Human Rights recommended that OHCHR organize a workshop on indigenous peoples, private sector natural resource, energy and mining companies and human rights. Pursuant to the

resolution, the High Commissioner, in her capacity as Coordinator of the Decade and with the support of the Advisory Group of the United Nations Voluntary Fund for the Decade, convened the workshop from 5 to 7 December in Geneva.

20. The workshop brought together representatives of indigenous peoples, the extractive industries and United Nations organizations, individual experts and some Government delegates to discuss three major themes: consultation, benefit sharing, and resolution of disputes.

21. The workshop adopted a number of constructive conclusions and recommendations. The report of the workshop will be made available to the twentieth session of the Working Group on Indigenous Populations in July 2002.

VII. VOLUNTARY FUNDS

22. The United Nations Trust Fund for the International Decade of the World's Indigenous People was established by the Secretary-General pursuant to General Assembly resolutions 48/163, 49/214 and 50/157 "to accept and administer voluntary contributions from Governments, intergovernmental and non-governmental organizations and other private institutions and individuals for the purpose of funding projects and programmes during the Decade".

23. In accordance with paragraph 23 of the annex to resolution 50/157, an Advisory Group was established, including indigenous people, to assist the secretariat of the Fund and make recommendations relating to the Fund to the Coordinator of the Decade, the High Commissioner for Human Rights, for approval on behalf of the Secretary-General. The current Advisory Group is composed of the members of the Board of Trustees of the Voluntary Fund for Indigenous Populations, who are all indigenous experts (see above), the Chairperson of the Working Group on Indigenous Populations and another United Nations expert, specialized in project and programme management, appointed by the Coordinator of the Decade. The latest reports on the Fund are contained in General Assembly document A/56/206 (paras. 19-24), Commission on Human Rights document E/CN.4/2001/84 (paras. 7-14) and Working Group on Indigenous Populations document E/CN.4/Sub.2/AC.4/2001/5, which contains the report of the Advisory Group on its sixth session. Information on the Fund is also available on the OHCHR web site (www.unhchr.ch) under "OHCHR programmes", "Funds".

24. The Advisory Group, at its sixth session held from 2 to 5 April 2001, continued to give priority in allocating available funds to indigenous projects and programmes. It examined 82 applications for project grants received within the deadline and the mandate of the Fund, in the light of the established selection criteria. Sufficient funding was available to pay for 30 project grants recommended by the Advisory Group and approved by the High Commissioner for Human Rights, for a total of about US$ 252,000 (see E/CN.4/Sub.2/AC.4/2001/5, annex III).

25. Upon recommendation of the Advisory Group, besides the project grants about US$ 150,000 were allocated to the following programmes to be implemented in 2001 by the Indigenous Project Team of the Research and Right to Development Branch (RRDB) of OHCHR: (a) A workshop on indigenous peoples, private sector, natural resource, energy and mining companies, and human rights; (b) a round table on indigenous peoples, racism and the

media, to be held as a parallel activity to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in South Africa, in accordance with Sub-Commission resolution 2000/14; (c) a human rights training seminar for indigenous people, to be organized in cooperation with the Activities and Programmes Branch of OHCHR, as a component of a wider programme to promote human rights in Mexico; and (d) a pilot human rights training course for indigenous communities in one country.

26. The Advisory Group's view was that, in order to be able to fulfil its mandate satisfactorily at its seventh session, scheduled to take place from 8 to 12 April 2002, the Fund would need an amount of about US$ 1 million before the beginning of the seventh session, which includes the amounts needed for project grants as well as for the organization of workshops and seminars.

27. According to information available at OHCHR, as at 30 October 2001, the following new contributions received are available for the seventh session of the Advisory Group in April 2002: US$ 9,497 paid by Canada on 30 March 2001, US$ 10,000 paid by Chile on 7 June 2001, US$ 3,000 paid by Greece on 16 August 2001 and US$ 10,618 paid by New Zealand on 29 May 2001, for a total of US$ 33,147.

28. As at 30 October 2001, a pledge of US$ 951, made by Tunisia on 5 November 1998 at the United Nations Conference on Development Activities in New York, and a pledge of US$ 200, made on 6 October 2000 by the Movement for the Defence of Democracy in Ghana, were still pending.

29. Voluntary contributions to this Fund can be made by bank transfer to the "United Nations Geneva General Fund", either in US dollars (US$) c/o UBS AG, P.O. Box 2770 CH 1211 Geneva 2, account 240-C-590-160.1, or in other currencies, at the same address account 240-C-590-160.0, Swift address: UBSSWCHZH12A. Contributions can also be paid by cheque, to the order of the "United Nations", to be sent to The Treasurer, United Nations Office at Geneva, Palais des Nations, CH-1211 Geneva 10, Switzerland. In any case, please mention in your payment order: "For the Fund for the Decade of the World's Indigenous People, account IV".

30. The United Nations Voluntary Fund for Indigenous Populations was established pursuant to General Assembly resolution 40/131 to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing them with financial assistance funded by means of voluntary contributions from Governments, non-governmental organizations and other private or public entities. The Fund is administered in accordance with the financial rules and regulations of the United Nations by the Secretary-General through OHCHR with the advice of a Board of Trustees. The General Assembly broadened the mandate of the Fund in its resolution 50/156 by deciding that the Fund should also be used to assist representatives of indigenous communities and organizations to participate in the deliberations of the open-ended inter-sessional working group of the Commission on the draft United Nations declaration on the rights of indigenous peoples. The mandate was further extended by General Assembly resolutions 53/130 and 54/140 to

allow representatives of indigenous communities and organizations to attend the open-ended inter-sessional working group on the establishment of a permanent forum and by General Assembly resolution 56/140 to allow representatives of indigenous communities and organizations to participate as observers in the Permanent Forum itself.

31. The mandate of the Board of Trustees is to advise the Secretary-General on the administration of the Fund, through OHCHR. The five current members of the Board are themselves indigenous persons: Mr. Michael Dodson (Australia), Ms. Naomi N. Kipuri (Kenya), Mr. José Carlos Morales (Costa Rica), Ms. Tove S. Petersen (Greenland Home Rule Government/Denmark) and Ms. Victoria Tauli-Corpuz (Philippines), who is the current Chairperson of the Board.

32. At its fourteenth session, held from 28 to 30 March 2001, the Board of Trustees considered 225 applications from indigenous communities and organizations requesting financial assistance to participate in the nineteenth session of the Working Group on Indigenous Populations, held in Geneva from 23 to 27 July 2001, and 32 applications requesting financial assistance to participate in the seventh session of the working group on a draft declaration, scheduled to take place in Geneva from 28 January to 8 February 2002. Having examined the applications for grants in the light of the established criteria for selection, the Board recommended the approval of: (a) 79 grants, for an amount of US$ 321,700, to allow representatives of indigenous communities and organizations to attend the session of the Working Group on Indigenous Populations; and (b) 23 grants, for an amount of US$ 110,200, for representatives of indigenous communities and organizations to attend the session of the working group on a draft declaration (for the list of the beneficiaries, see document E/CN.4/Sub.2/AC.4/2001/4). The Board also recommended US$ 38,000 for grants to allow representatives of indigenous organizations and communities to attend, as observers, a possible meeting of the Permanent Forum in 2002 pending the adoption by the General Assembly of a resolution which would extend further the mandate of the Fund.

33. The Board expressed the view that, in order to meet the requests for funding received in 2001, the Fund would need US$ 724,000 before its fifteenth session, which is scheduled to take place from 3 to 5 April 2002. This amount includes mainly the amount needed for new travel grants in 2002. For additional information on the fourteenth session, see E/CN.4/Sub.2/AC.4/2001/4.

34. As of 15 November 2001, according to information available at OHCHR, new contributions which will be available for the fifteenth session were received from: Canada (US$ 9,530 on 6 April 2001); Chile (US$ 5,000 on 24 April 2001 and US$ 10,000 on 7 June 2001); Finland (US$ 33,996 on 20 April 2001); France (US$ 29,613 on 11 April 2001); Greece (US$ 6,300 on 16 August 2001), as well as from a private donor from Japan (US$ 116 on 24 August 2001). One pledge made by Bolivia (US$ 1,000 on 2 November 1999) at the United Nations Pledging Conference for Development Activities, is still pending.

35. In its resolution 56/140 (para. 7 (e)), the General Assembly again encouraged Governments to support the Decade by contributing to the Fund. The Commission on Human Rights, in its resolution 2001/59 (para.7) and the Sub-Commission on the Promotion and the Protection of Human Rights, in its resolutions 2001/10 (para. 15) and 12 (para. 5), appealed to all Governments, organizations and individuals in a position to do so to contribute to the Fund.

36. As recommended by the Board of Trustees and the Commission on Human Rights, the United Nations High Commissioner for Human Rights sent, on 19 November 2001, a letter to all Governments appealing to them to contribute to the Fund and drawing their attention to the above-mentioned resolutions. At the invitation of the Bureau of the Commission, a member of the Board of Trustees addressed the Commission on Human Rights at its fifty-seventh session and also appealed for new and regular contributions.

37. Voluntary contributions can be made in accordance with the procedure outlined in paragraph 29. Payment orders should bear the reference "For the Indigenous Populations Fund, account IH".